

1

2

3

4 SELECT COMMITTEE TO INVESTIGATE THE
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
6 U.S. HOUSE OF REPRESENTATIVES,
7 WASHINGTON, D.C.

8

9

10

11 INTERVIEW OF: MATTHEW TODD CLARKE

12

13

14

15 Thursday, August 4, 2022

16

17 Washington, D.C.

18

19

20 The interview in the above matter was held via Webex, commencing at 10:13 a.m.

21 Present: Representative Lofgren.

1

2 Appearances:

3

4

5 For the SELECT COMMITTEE TO INVESTIGATE

6 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

7

8 [REDACTED], INVESTIGATIVE COUNSEL

9 [REDACTED], STAFF ASSOCIATE

10 [REDACTED], FINANCIAL INVESTIGATOR

11 [REDACTED], CHIEF CLERK

12 [REDACTED], FINANCIAL INVESTIGATOR

13 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

1

2 [REDACTED]. This is the transcribed interview of Matthew Clarke
3 conducted by the House Select Committee to Investigate the January 6th Attack on the
4 U.S. Capitol pursuant to House Resolution 503.

5 At this time, I'd ask the witness to please state your full name and spell your last
6 name for the record.

7 Mr. Clarke. My name is Matthew Todd Clarke, last name C-l-a-r-k-e.

8 [REDACTED]. Now, Mr. Clarke, this will be a staff-led interview,
9 although members may choose to ask questions. I will note that we are currently joined
10 by Ms. Lofgren.

11 My name is [REDACTED], and I am an investigative counsel with the
12 select committee. With me from the select committee is [REDACTED] on my left,
13 senior investigative counsel; on my right, [REDACTED], a financial investigator; and
14 we are joined by [REDACTED], another financial investigator, on the Webex.

15 Mr. Clarke. Okay.

16 [REDACTED]. Now, Mr. Clarke, you are voluntarily here for this
17 transcribed interview. I'll just tell you some background rules.

18 There are official reporters transcribing the record of the interview, and that
19 transcription will be the official record of the proceeding. This proceeding is also audio
20 and video recorded, and we ask that you not record it yourself.

21 Please wait until each question is completed before you begin to respond, and
22 we'll do our best to wait until your response is complete before we ask the next question.

23 The reporters cannot note nonverbal responses, such as shaking or nodding your
24 head, so it's important that you respond to each question with an audible verbal
25 response.

1 Please give complete answers to the best of your recollection. If an answer (sic)
2 is unclear, please ask for clarification. If you do not know the answer, please just say so.

3 And as we remind everyone we interview, it's unlawful to deliberately provide
4 false information to Congress, and doing so may result in penalties.

5 At any time if you would like to take a break or otherwise for any reason, just let
6 us know. We're happy to accommodate.

7 And before we begin, do you have any questions?

8 Mr. Clarke. I have no questions.

9 EXAMINATION

10 BY [REDACTED]:

11 Q Now, Mr. Clarke, before we get started, do you remember meeting with us
12 or at least speaking with myself and [REDACTED] a few weeks back in a phone call?

13 A I do.

14 Q Today's interview is going to look very similar to that informal interview, and
15 we're going to go through many of the same topics that we discussed then.

16 But to the extent that we're covering the same topics, please still provide fulsome
17 answers here so we can have a complete record in this interview.

18 A Okay.

19 Q Can you please provide your date of birth?

20 A [REDACTED]

21 Q And where do you reside?

22 A I reside in East Grand Rapids, Michigan.

23 Q And what is your cell phone number?

24 A Area code [REDACTED]

25 Q And is that a number you use both for business and in your personal life?

1 A It is.

2 Q And what's your email address?

3 A [REDACTED]

4 Q And do you use any other email addresses?

5 A I do. I have other business email address and personal email address. Do
6 I use them for what, like for my life?

7 Q Well, just how many other email addresses do you have? Are they quite
8 numerous?

9 A No. I mean, I have a Gmail account. And then I have, as we had
10 discussed, I have other business interests and companies unrelated. But [REDACTED] is the
11 email address that I would operate on for anything that had to do with this.

12 Q Okay. And tell us a bit about your educational background.

13 A I'm a licensed attorney. My education is I went to undergrad marketing
14 degree and then law school at Marshall in Ohio. And am an attorney by, I guess, trade
15 and training, although most days I think I'm a sales guy and a consultant and a tech guy
16 and all those kinds of things.

17 Q Let's go briefly through your professional background.

18 What years were you at the Maricopa County Attorney's Office?

19 A And I apologize. I have a cough drop in my mouth. I'm terribly allergic to
20 everything. So if you can't understand something I say, I'll try to enunciate with this
21 cough drop on my tongue.

22 I graduated law school in '97. I think that was probably -- I worked for a small
23 civil litigation firm for a period of time, like less than a year maybe.

24 And then I joined the Maricopa County Attorney's Office I think in '98, '97 or -- '98,
25 and I was there for a couple years.

1 And I left. I was a prosecutor in that office, tried lots of cases. It was the
2 coolest job I ever had.

3 Then I moved to civil litigation. I joined a firm that was in Phoenix. It was a
4 regional firm, small, called Ryley Carlock Applewhite. That firm has since been acquired
5 by another firm or folded into another firm or something.

6 You want the -- sort of the whole --

7 Q Well --

8 A I'm trying to answer the questions you ask me so I don't go off on these
9 rambling tangents, so please just direct me.

10 Q No, we appreciate that.

11 So my understanding is that at Ryley Carlock you were the co-founder of the firm's
12 Document Control Group. Is that right?

13 A Yeah, that's right. So when I was in the Litigation Group, we started a little
14 division. It was actually inside the Litigation Practice Group. It was called the DCG.
15 And we were essentially almost like a legal services and legal process outsource company.

16 So the idea was with DCG, if you went to a law firm and hired them to do
17 something, they would have paralegals at \$150 to \$250 an hour and associates at \$300 an
18 hour on up doing all of this bottom-of-the-pyramid work. And we had this idea that if
19 you built a different model that was not a traditional law firm model you could make
20 those lawyers available at significantly discounted rates.

21 So we built this little division of the practice group and we called it DCG, and it was
22 essentially directed toward discovery. This was paper discovery when we built it, but it
23 wasn't long after we launched that that 2006 rolled around and all the changes on the
24 eDiscovery rules and the Zubulake case that changed the world, and it became sort of the
25 Wild West of eDiscovery.

1 And we very quickly spun that group into an eDiscovery group and technology
2 group. And I was with that -- I was with Ryley with DCG until 2016, and at that point we
3 wanted to expand DCG more globally.

4 We then and now were representing some of the largest corporations in the
5 world, and we couldn't have a little Arizona footprint. We needed to have a global
6 presence.

7 So we had several offices around the country, but we needed to have presence in
8 Europe and we needed to have an outsource solution that was comparable to the India
9 model, and we looked at South Africa for that.

10 And the firm that we were with, it was bigger than them. We were bigger than
11 them. It was too much for them. And they said: Maybe you should spin this
12 somewhere else.

13 So we left and we started a new group. We joined a different law firm and
14 started a new group that we called SBS, and it was that same model.

15 And that group -- we did that in August 2016, something like that. And so we
16 still -- a hundred and some attorneys working for that group doing primarily manage
17 review, anything that would be in the litigation pyramid or below the litigation pyramid,
18 timelines, witness binders, factory search, deposition binders, all that kind of stuff.

19 We were built as sort of a legal outsource. So a fraction of the cost of a
20 traditional law firm model, but still operating out of a law firm kind of.

21 And then we were able to secure a presence in Europe and South Africa. So we
22 got that international thing that we were looking for. So that was great.

23 And then we brought on technology and we became a full EDRM end-to-end
24 service provider. So everything forensics, collection processing, hosting, review, right on
25 through.

1 And at some point -- and I'm going to keep going, just give the history of this.

2 Does that make sense?

3 Q Yeah, please.

4 A Okay. So at some point we -- every now and then we would end up
5 working for a government agency. Maybe we'd be brought in as a taint team. A U.S.
6 attorney would seize computers and someone would need to do a pre-review, a taint
7 review on those.

8 So we kind of ended up in some situations where we were working for the
9 government. And we started thinking: Gosh, there's a huge opportunity in the
10 government for us. And we knew a lot of the times, I think, maybe government
11 agencies default to the Big Four, the big players in that space. And we were as capable
12 as them for sure, in my opinion, and we had all talent and skill and know-how to do it.
13 And we were, I thought, markedly less expensive.

14 So we started the process of trying to get some -- there are different ways that
15 you can get approval to do government contracts. In 2019, I think, we started to get
16 SAM approval, which we ended up getting in maybe the middle of 2020. And at that
17 point, we were pretty focused on trying to break into some government contracts and try
18 to get that.

19 Now, all the while there's this voice in my head that's saying: Matt, you're
20 representing some of the largest corporations in the world that tend to be on the other
21 side of the V, the DOJ or the SEC or the FTC. Is that going to create potential conflicts
22 for you?

23 And so we started having a conversation about spinning up a different company.
24 We'd done it. We knew how to do it. And we thought maybe having a different
25 company, so that if we ended up in a situation where we had conflicts we could just

1 simply break them apart and it wouldn't impact SBS, which was our core company.

2 And then this opportunity sort of started to show itself in early 2021. We knew
3 the administration was changing. We knew there was a lot of stuff going on.

4 Then we saw the -- we're always watching to see what opportunities exist. I'm
5 sure we over the years have thrown every arrow that we could at potential opportunities,
6 just trying to get a meeting, trying to get a sit, like just typical sales guys.

7 And so we saw this opportunity. I think it was like -- maybe it was like
8 February -- I don't remember exactly when the COVID -- the committee on the COVID
9 started asking for documents related -- from NARA -- related to the prior administration.

10 But about that time we made some inquiries and got a meeting and were able to
11 get hired by MAGA, or I don't remember what the entity was, to help support the former
12 administration's review of NARA documents that had to be turned over to whatever that
13 committee was, the COVID committee.

14 Q If I could interrupt you there, Mr. Clarke.

15 A Yes.

16 Q So when you say SBS, that's Strategic Business Solutions. Is that right?

17 A Yeah. So SBS is Strategic Business Solutions, that's correct.

18 Q Okay.

19 A And 2M is a different entity.

20 Q And when you created 2M Document Management and Imaging, LLC, that's
21 the full name, correct?

22 A I think. That sounds right. 2M Document Management and Imaging, LLC,
23 I think that's right.

24 Q All right. And we'll refer to that as 2M.

25 So when you created 2M, did you already have a contract or otherwise work that

1 you had secured for that company, or did the creation precede the securing of the work
2 2M would do?

3 A I'm pretty sure that it preceded it, because if we were going to pursue it
4 heavily we didn't want to pursue it as SBS. So when we decided to really heavily pursue
5 government contracts and we thought this was a viable opportunity for us, we created
6 2M.

7

BY [REDACTED]

8 Q When you say "this" was a viable opportunity for us, I just want to make sure
9 that we're very clear about what the "this" is. What is "this"?

10 A I think the first -- the first thing that -- how we ended up in this was the
11 former administration was responding to -- there were requests that were made from the
12 House Oversight Committee, I guess, on COVID, or the White House response to COVID,
13 that they were getting from NARA, as you know.

14 And then the former administration had the opportunity to review those
15 documents to assert executive and other privileges to them. And that's where we
16 thought there was an opportunity for us to help with that.

17 I mean, the decision ultimately wasn't ours, but we could help host and hold that
18 data. And we knew that we could help organize and sort and filter and pre-tag to help
19 the ultimate decisionmakers on making those decisions. That's the opportunity that I'm
20 talking about.

21 Q And just to be clear, only because we're using terms that some people may
22 not understand, but when you say the former administration, you're speaking about
23 President Trump's former administration as President?

24 A That's correct.

25 Q So when requests were made of the former Presidential administration, this

1 is the opportunity that we're discussing.

2 A Correct.

3 . Okay. And -- actually, I don't want to get off track. Let's go back to
4 your line.

5 Mr. Clarke, just to clarify, I think previously you talked
6 about a private relationship with Eric Herschmann that provided an introduction to this
7 work.

8 Can you kind of clarify, just give us a timeline of how Mr. Herschmann facilitated
9 you getting involved with reviewing the administration's documents?

10 Mr. Clarke. Yeah. I don't know that I would characterize it as him facilitating it.

11 We were looking -- again, we always -- we're always looking at everything. So we
12 were looking at this. And at some point we noted that the Kasowitz firm was involved
13 with the administration.

14 I didn't know precisely what the involvement was. I just knew that you'd see
15 Kasowitz from now and then. And then Eric Herschmann showed up at the hearings or
16 at the impeachment trials.

17 And we knew Eric. We had worked with him 25 years ago on a matter. And we
18 knew that firm. So that to us was a point of entry.

19 So I think we reached -- I don't remember exactly how it went. I'm sure we
20 reached out to Eric and said: Hey, you guys, I think, probably are looking at Deloitte or
21 some big player to do all this data hosting. Why don't you -- can we have a meeting
22 with you? Can we pitch our capabilities? Can we talk about it?

23 And Eric was open to the idea. I don't think it really made a tremendous amount
24 of difference to him. I do recall him being pretty clear that it would be -- he thought it
25 could be challenging to deal with NARA, because he thought NARA could very quickly, I

1 don't want to say be over its skis because I think they're very talented, but there was an
2 enormous amount of data that was probably being requested from them and they had
3 somewhat limited resources.

4 So I just remember him saying: Well, look, we can have this conversation about
5 you guys coming on, but you're going to have to understand there's going to have to be a
6 lot of perhaps hand-holding and helping on the NARA side just to make sure that
7 there -- because we want this to be seamless. Basically was the communication to us.

8 And we're like: Of course. I mean, we totally get it.

9 And it ended up being true. Again, terrific people at NARA, work very hard, but
10 they were -- we could tell from the very beginning when we started getting data from
11 them that it was complicated for them.

12 An example would be they might give us 5,000 pages, and there was no LED.
13 There was no logical -- there might be 5,000 single-page TIFF images and it might be a
14 seven-page document, and page 2 might not necessarily be next to page 1. It might be
15 somewhere else. And so there was a lot of scattered information.

16 So we just worked with NARA to talk about paths to better sort and provide data.
17 And then when they brought in Relativity, of course, that was probably a huge challenge
18 to them. That's a complicated system to operate. We'd been operating it for a long
19 time, so we knew what to do.

20 And we were supportive of them, I think, in that, in their implementation role.
21 We helped them. We offered to help, that kind of stuff.

22 So that's sort of an aside, but --

23 BY MS. [REDACTED]:

24 Q There was a lot in there.

25 Quick question. When do you think the relationship with Mr. -- the discussions

1 with Mr. Herschmann started?

2 A When did the -- it was maybe within a month of when we were retained.
3 I'm going to say maybe it was February of '21. I think we got hired in April or May of
4 2021. So it would have been relatively close to that. Maybe even February-March of
5 2021.

6 We reached out to Eric. And then he set a meeting. And then we ended up
7 getting a meeting. We made a pitch. We might have made two pitches. And then
8 ultimately we were notified that: Yeah, okay, we'll give you guys a shot on this.

9 So we got hired to do the data hosting. And there's a lot of different parts that
10 go with that on the review side, consulting side, organizational side, tech sides. It's a big
11 project.

12 Q I think we're going to cover the sides. I just want to ask you, who was
13 present for the pitches that you discussed in addition to Mr. Herschmann?

14 A They were telephonic, so I wouldn't have known. We were dealing with a
15 law firm, and I always get this guy's name wrong. It's Clark, Justin Clark, right? Jason
16 or Justin Clark. So if you play that on record, I'm going to be embarrassed. I can never
17 remember.

18 And there was an Alex Cannon.

19 And I don't -- honestly, I don't remember whether Eric was even on that call. He
20 might have just gave our -- he might have made an introduction and then we reached out.

21 I think we -- I don't want to speculate or guess. I think there were a couple of
22 different calls. But honestly, it's not that memorable to me in terms of what time it was
23 and how long we talked.

24 They were probably a preliminary pitch, and then there was probably a second
25 pitch sort of like: Okay, like how would you do it? Like what are your resources? It's

1 one thing to say you can do it, but now tell me how you're going to do it. And so that
2 was probably a second call.

3 And then at some time shortly after that we got a call that said: Hey, okay, we're
4 going to give you guys a shot.

5 So we were engaged. We were engaged by their firm, Alex and Justin's firm.

6 Q Is it your understanding -- what is the name of that firm? Is it Elections,
7 LLC?

8 A That's right. Elections Law, LLC.

9 And actually, we might have actually signed an engagement with the MAGA PAC.
10 I remember -- I'm sorry. It's -- again, it was a year and a half ago, and I guess I could
11 check.

12 We were basically responding to the law firm, because they were going to be the
13 decisionmakers on these. We were making executive privilege and high-level privileges
14 that we basically were like: Look, we're here to help, but you have to make those calls.

15 So there was a law firm that was going to make the ultimate decisionmaking on
16 what privileges were going to be applied.

17 I know we had -- I believe we had a retention with them, but it might have been
18 that they were -- we were either retained by them and MAGA or we were retained by
19 them and then payment came from MAGA or something like -- there was like a
20 third-party payer. Like the firm wasn't responsible for payment, if that makes sense.

21 Q It does. It does.

22 To the best of your knowledge, are you still in possession of those retainer
23 agreements that you signed with either Elections, LLC or MAGA PAC?

24 A Yeah, I'm sure that they're somewhere.

25 Q Okay.

1

2

BY [REDACTED]:

3

4

Q Now, Mr. Clarke, looking at some open source documents, it appears that 2M was formed on March 24th, 2021. Does that sound correct to you?

5

6

A Yeah, that could be. And then we would have been retained after that, I think.

7

Q And when you were retained, what was the -- pardon me, sir?

8

9

10

11

12

A I just want to clarify something. It's possible that -- because sometimes we -- I'm sure we hired a lawyer to set that up and file those incorporations and do all that stuff. We may have been flying under the 2M banner in February as that company was -- as those things were taking place. But that sounds about right, I guess, March.

13

14

15

Q And when you had those discussions, preliminary discussions with Mr. Clark and Mr. Cannon, did you all discuss the kind of documents that would be -- that 2M would initially be reviewing from NARA?

16

17

A Yeah. And I want to be mindful of conversations with them, because I think it gets into weird privilege areas that belong to them.

18

19

20

21

But as it relates to why we were engaged, the types of documents, we were engaged to review documents that were part of the Trump administration's White House documents that were being collected by the Archive and produced pursuant to a subpoena.

22

23

24

The specific nature of them I don't think we discussed. I mean, I'm sure we discussed that there are going to be different levels of privilege that could be applicable, and our charge was to organize those documents by those potential privileges.

25

Q Okay. So it's March 24th, but we see the first payment from MAGA PAC is

1 made to 2M, I believe, on March 30th, 2021, for \$650,000.

2 Was there kind of a retainer kind of process? Or can you give us a brief overview
3 of how the payment structure took place?

4 A Yeah. There was a retainer. We didn't know how long it was going to go,
5 how big it was going to go. We wanted to make sure we were going to get paid, so we
6 had a retainer.

7 Q And that payment came from MAGA, the MAGA PAC.

8 Did you have any discussions as to why the payment was coming from MAGA PAC
9 as opposed to either the law firm or another entity?

10 A Not necessarily. I mean, I think it was probably pointed out in the
11 beginning in the engagement that there would be a third-party payer. It was not going
12 to be the law firm. So, I mean, yeah.

13 Q Okay. Let's go to the 2M team that worked on this.

14 How large was the 2M team starting in March 2021 that was -- yeah, let's start
15 there.

16 One, how large was the team? And was that 2M team working purely on the
17 Trump-related NARA documents?

18 A The 2M team could have -- that team ebbs and flows depending on the
19 volume and the duration. So, as you know, out of the gate I think all those durations
20 were 30 days, but the volume of documents that we got may have driven how many
21 people were working on it.

22 There were a lot of people on the tech side that were brought in. There were
23 some consult -- we had our consulting team and the tech team. Maybe there were
24 three or four of them.

25 At any given time on any of these matters there could have been as many as 20

1 different lawyers working on these projects. But sitting here now, I don't day by day
2 know what the number was. One day there might be five people. One day there
3 might be 20 people or more. It depended on the volume and the timeline.

4 Q And does 2M have a physical location?

5 A No. So 2M -- basically, the physical location of 2M -- post-COVID, everyone
6 works out of their house. So that's the physical location of 2M.

7 So 2M does not have a brick-and-mortar building. A lot of our resources are
8 sourced from people who are operating from their house.

9 BY [REDACTED]:

10 Q The address that's registered in Delaware at what looks like a storage unit
11 from Google Earth, what is that address?

12 A I don't know. What is the address? Is it like a CT corporation or
13 something?

14 Q I think it's something on like DuPont Highway. Is that your registered agent
15 for service of process?

16 A I'm sure that's what that is. I don't know. And I don't think we're
17 registered in -- we may have been registered in Delaware. But I think we're registered in
18 Nevada. But the same thing. It's a CT agent. I wouldn't know what the address is.

19 Q Okay. I think it was Paracorp, to be clear.

20 A It could be.

21 Q Okay.

22 A I'm sure the attorneys did that. They created those and filed them.

23 Q Okay.

24 BY [REDACTED]:

25 Q Now, Mr. Clarke, I want to talk more broadly about how the document

1 review process worked and who was involved from the Trump side and who was involved
2 from the NARA side.

3 So can you kind of give us a run-through? When the batch of documents was
4 made available, who were you interfacing with on both sides and how did that process
5 work?

6 A And we're talking about COVID? I guess it's the same whether it's COVID or
7 J6, actually.

8 Q Yeah. Let's start with the COVID, and then we'll talk about a bit later when
9 you all start getting January 6th-related documents.

10 A The interaction with the law firm was relatively minimal. I mean, we were
11 given instruction, because we weren't the ultimate decisionmakers. What they wanted
12 was an organizational portion of this. It needed to be driven into buckets.

13 So we would have interfaced with that team to get instruction, to understand if
14 we have questions. I'm sure we had a lot of documents that we had questions on. We
15 would have talked to Alex or Justin. We would have emailed them and said: There are
16 seven documents we have a question on, can we schedule a call for whatever time?

17 There was also an attorney that was working on the documents that we didn't
18 have clearance to review. I'm kind of embarrassed. I'm terrible with names. It's true
19 of my own children. I can't remember anyone's name from one minute to the next.

20 It was -- if you say his name, I'm going to remember it. It's Pat -- Pat
21 Phil -- Philbin, maybe.

22 [REDACTED]: Philbin?

23 Mr. Clarke. Is that Philbin?

24 [REDACTED]: Pat Philbin?

25 Mr. Clarke. Does that sound right? I could have it wrong.

1 There was someone that was working on -- with NARA -- on documents that we
2 didn't have authorization to look at.

3 And so there were a couple times where we had documents that we thought
4 maybe we didn't have authorization to look at. So we would just simply contact the
5 firm, and they would contact that person and say: Maybe you need to take a look at
6 these documents.

7 Does that make sense?

8 BY [REDACTED]:

9 Q It does.

10 A Given that -- I can't remember what your question was. It was who we
11 worked with at the firm?

12 Q On the Trump side, did you talk to -- did you interact with anyone besides
13 Mr. Clark, Mr. Cannon, or Mr. Philbin?

14 A To my knowledge, not on this COVID stuff. I mean, no. Other than that, it
15 was the folks at NARA, and it would have been our team. I don't recall working with
16 anybody else.

17 Q And when you spoke with Mr. Clark and Mr. Cannon, was that typically over
18 email, telephone calls, text messages, all of the above?

19 A We would typically just schedule a call, and then we would either send them
20 a call in or we would call them and add somebody on your Apple phone.

21 And we would say: We have questions on these seven documents.

22 And they would either guide us or say: Well, put them in a folder and we'll take
23 care of them from there.

24 So that's typically how it went, telephone calls.

25 Q And when you did have any email traffic with them, was that on their -- an

1 Election Law, LLC email?

2 A Yes, more than likely, or -- yeah, I think that's right.

3 Q And do you still have those emails?

4 A I mean, I likely have them. I don't know. I mean, I wouldn't have -- yeah,
5 I'm sure.

6 Q You have no reason to think that you've discarded them?

7 A No.

8 Q Okay.

9 A But I don't -- it's like -- it's Office 365, so I'm not really the controller of it.
10 But I don't have any auto that I'm aware of, auto deletes. So they should be there.

11 Q Let's talk about the individuals on the NARA side.

12 Who did you interact with and what was your understanding of what that team
13 looked like?

14 A Here we go with the names again. If you say it, I'm going to know it.

15 Q And, Mr. Clarke, to the extent that you don't recall someone's name now
16 and you would have a way, for example, by looking at documents or emails to get those
17 names, we're happy to talk about names you recall. Or we can talk about individuals,
18 you may not recall their names but what they did, and you can provide those names later.

19 A There was one primary person we dealt with at NARA. What is his name?
20 It's probably the same guy that you deal with, so you probably know his name. You can
21 shout it out and I'll say that's it. But there was one primary contact.

22 And how it would work is he would email us and say: Per House Oversight
23 Committee subpoena, we are preparing production number 3. It contains 23,580
24 images. In an email to follow, I will give you the password.

25 And then that would be our notification to go -- he would send us a link, and then

1 we would take the data down.

2 That was pretty much the interaction with them other than when we were getting
3 some of the sets out at the beginning, they were really scattered. They were
4 very -- they were disorganized. They were hard to figure out what went with what.

5 So we did have a lot of conversations with them on the tech side. The tech team
6 had a lot of conversations I'm sure with them about different ways that we might be able
7 to take that data.

8 And then when they brought in Relativity, which I don't think was until the
9 summer of 2021, we said: Look, we've been through a Relativity integration. It's not
10 easy and there's a million land mines. So we're happy to help.

11 And they were grateful for the offer and they accepted that offer to sort of help
12 them understand the best ways to collect data, time stamp it, all that kind of stuff.

13 So we interfaced with them somewhat heavily. I didn't. The tech team did in
14 that phase. And that still would have been the same gentleman. His name is -- I don't
15 remember.

16 Q Is this a name that you could look in your phone in your emails and search
17 NARA, and it would come up pretty easily?

18 A It might. Yeah, it should.

19 John Laster.

20 Q Pardon me?

21 A John Laster, L-a-s-t-e-r.

22 Q And is there anyone else that you would typically -- you would interact with
23 from NARA besides Mr. Laster?

24 A No, I don't think. I mean, I don't remember. And, again, if there would
25 have been communications like with Laster's tech team and my tech team, I wouldn't

1 have necessarily been party to those. You know what I mean? Again, it was all about
2 left-side EDRM, collecting, how you -- that whole process. So --

3 Q And the documents, I think you referenced earlier that NARA would -- or
4 when Mr. Laster reached out to you, on the face of those communications he indicated
5 where -- why those documents were being produced, pursuant to what subpoena,
6 otherwise a government request. Is that right?

7 A Yeah, that's right. And then he would say: There are X number of images
8 and here's a link. And then he would say: In a following email, I'm going to send you
9 the password. So it was sort of protecting it.

10 And then in the following email there would be the password. My tech team
11 would take it. I would either forward it to the tech team -- I think over time he just
12 started looping the tech guys in, and they had those conversations on their own.

13 Q And after your team received those documents, was there a point by which
14 when you would reach out to either Mr. Cannon or Mr. Clark about that review specific,
15 that specific review?

16 A They were usually on the communication. So they knew that it had come.
17 And unless there was something different about it, our communications then with Mr.
18 Clark and Mr. Cannon would have been: Okay, we've got another 8,000 documents,
19 we'll start in. And then we would start.

20 There were times when it spun to J6 that they truncated that 30 days, and then
21 that would elevate the intensity of it. So now here's 27,000 documents, you have 15
22 days or 7 days or whatever. So we would certainly keep them apprised of that, because
23 we would need them at the ready if there was a question.

24 Q So it was clear to you that Mr. Cannon and Mr. Clark understood that the
25 documents that 2M was reviewing, at least when your review process started, had to do

1 with the Trump administration's COVID response. Is that accurate?

2 A That is accurate. I understood the COVID to be related to the White
3 House's response to COVID, yes.

4 Q And it was your understanding that Mr. Clark and Mr. Cannon also knew
5 that?

6 A Yes. I mean, I don't know what all they knew. I mean, that's why I was
7 hired. So I assume that they understood that. If there was more to that, I don't know
8 what it would have been.

9 Q And you understood that they knew that because they effectively hired 2M
10 to do this review?

11 A To assist them with the technology and the hosting and consulting and
12 review, correct.

13 Q And they were also copied on communications from NARA that indicated
14 what the review was about as well?

15 A Typically, yes.

16 Q Now, at what time did January 6th-related documents come into the mix?

17 A I don't remember the exact time. It was within a few months, I think.
18 Maybe in June or -- I think it was in that summer. So the summer of 2021. It wasn't
19 long after we were working on the White House stuff that that came to light.

20 And so then they, Cannon and -- Alex and Justin reached out and said: Hey,
21 here's another silo, same sort of deal. It's NARA documents, privileges, that kind of
22 stuff. So we were brought into that.

23 And at that point, they were both -- that's about the time I think that they got
24 Relativity. It may be that NARA was just like: Oh, my gosh, there are millions of emails
25 in here and we'd kind of be grabbing these one at a time.

1 So that's around the time that they brought Relativity in, I'm pretty sure.

2 Q Now, looking at the payments from MAGA PAC, Mr. Clarke, it appears that
3 after the initial \$650,000 retainer through November of 2021, it's about \$100,000 a
4 month that 2M is being paid.

5 Can you speak to what the payment structure that you set up with MAGA
6 PAC -- or with Mr. Cannon and Mr. Clark, I should say?

7 A What do you mean the payment structure?

8 Q So you had the initial retainer of \$650,000, and then there's just what
9 appears to be effectively \$100,000 a month being paid for May, June, July, and onwards
10 to November.

11 So was that just -- was that a number that Mr. -- that the lawyers from the Trump
12 side, that you agreed to in your initial discussions? Or how did that come about?

13 A Yeah, I think that might have been that there would just be \$100,000. It
14 was like a refresh on the existing retainer. Then that just continued.

15 And then as that project grew and grew, I mean, it became large. I mean, there
16 were a lot of people working a lot of documents at some point. So I think it got to be
17 greater than that.

18 Q And did it become large because of the January 6th-related effort?

19 A Initially, yes.

20 Q Now, you've referenced conversations about, I think, with Mr. Clark and
21 Mr. Cannon when the January 6th-related work began.

22 Did they in their discussions with you, just speaking generally, did they tell you
23 that the new work would have to do with January 6th?

24 A I'm sure. I mean, I don't remember the specific moment or conversation,
25 but it was -- we understood what it was. I mean, we were -- well, I mean, NARA was

1 probably -- NARA would make it clear when they sent documents, this set of documents
2 relates to this, this set of documents relates to this, and everything since. NARA always
3 identifies what matter it relates to.

4 BY [REDACTED]:

5 Q Mr. Clarke, if I could read a couple additional names in addition to
6 Mr. Laster, and if you could just tell me if they sound familiar as people that you've dealt
7 with at NARA?

8 A Okay.

9 Q Do you recognize the name Abigail Myrick?

10 A Yes. I think she's a tech person.

11 Q Okay. And do you recognize the name Gary Stern?

12 A I recognize that name, Gary Stern. I don't believe we ever talked to Gary
13 Stern. Is he -- is Gary Stern the guy, he's like the archivist? Do I have that right?

14 Q I believe Mr. Stern is actually general counsel.

15 A Oh.

16 Q Ms. Myrick is actually, I believe, an archivist.

17 A Okay. I have it all wrong then. I recognize --

18 Q That's okay.

19 A I recognize --

20 Q Go ahead. I'm sorry. I didn't mean to cut you off.

21 A No, I've answered. Go ahead.

22 Q No, I just want to make sure. It's not a quiz to see if you knew their titles.

23 The really only important question is, is if you dealt with them on any level or had
24 interactions with them, which it sounds like Laster and Myrick yes, Stern no.

25 A Yeah. Stern would have been no. And I guess I was thinking of someone

1 else.

2 But mostly it was Laster. And then if he was absent -- -- yeah. So -- I can
3 actually look. I mean, I think they tend to both be on the email.

4 I just pulled a Laster email. I don't know. I guess not.

5 So, yeah. And when you say deal with, I mean, again, our interaction was initially
6 there was a lot of tech support. How do we do this? How can we help you with -- how
7 do you create a LOW file? How do you manage Relativity? How do you do that stuff?

8 So there was some of that. That would have been my tech guys and their tech
9 team.

10 But, by and large, the interaction is an email that says: You have 7,000 new
11 pages or 20,000 new documents and these are due in 7 days, these are due in 15 days,
12 these are due in 30 days.

13 And then we would sometimes go back and forth and say: Well, you started to
14 run a 7-day clock on us, but we didn't get the password until 2 days after your original
15 email and then the password didn't work. So you got to give us -- so it would be that
16 sort of "okay, okay, I'll give you 3 more days" kind of stuff.

17 BY [REDACTED]:

18 Q And as it happened with the COVID documents, when NARA would send
19 over the January 6th documents, were Mr. Cannon and Mr. Clark typically copied on
20 those communications as well?

21 A I want to say that they were typically copied. I don't know that they always
22 were. And I don't know that I was always the first recipient. In other words,
23 sometimes Laster would send me a notification and I would send it to my tech team, or
24 he would send it to me and my tech guy and then I would forward that to Mr. Cannon.

25 Sometimes Mr. Cannon would send me an email and say,

1 "Here's a new set coming in," that I never received from Laster.

2 So probably more predominantly in the beginning Laster maybe went through
3 Mr. Cannon first. But today, with all those different matters we're doing with them, I
4 think they -- by and large, they come to us directly.

5 Q Okay. Now, with the payments, we see that some of the payments stop
6 being lump sums and start being a variety of amounts, from as small as \$400 in December
7 2021, \$15,000, \$887. We start seeing not round numbers. What causes that?

8 A Over time we opened a -- as I had indicated when we spoke previously, we
9 had -- we have multiple different projects that we work on for the organization unrelated
10 to these House Oversight or this specific committee.

11 So it could have been any one of those. It could have been a subproject of those.
12 For instance, maybe I've got a subset of data that we're hosting and it's \$700 or
13 something like that.

14 And they may also be breaking those apart. I mean, I don't -- we third
15 party -- we get paid by third parties all the time. And how corporations, for instance, I'm
16 more familiar with them than what these folks were doing.

17 But I could send a bill to a corporation and they apply it to different business units.
18 So this business unit pays me \$700. This business unit pays me \$2,000. So we -- it's
19 not unusual for us to see a bill get split apart and paid in chunks and then that allocated
20 back to a different operating unit within the corporation.

21 It's quite possible that was what was happening here. I have really no insight
22 into how or why they structured those payments. We just simply made sure that
23 whatever was billed was paid.

24 Q And you mentioned some other projects. What else did you work for, as it
25 relates to the hiring by Mr. Cannon and Mr. Clark, besides NARA documents for COVID

1 and for January 6th?

2 A Maybe we can take -- could we just take a quick 5-minute break so I can grab
3 a water?

4 [REDACTED] Yeah, that would be great.

5 Can we go off the record, please?

6 [Recess.]

7 BY [REDACTED]:

8 Q All right. Mr. Clarke, would it be fair to say that the vast majority of the
9 work that 2M has done to date that has been paid for by MAGA PAC relates to January
10 6th documents or COVID-related documents coming from NARA?

11 A Yes.

12 Q And you mentioned that NARA also does -- excuse me -- that 2M did other
13 projects, some small or miscellaneous projects for President Trump or his related entities
14 that were unrelated to either COVID or January 6th. Is that correct?

15 A Yes.

16 Q Now, in -- let me rephrase this.

17 Are you aware of any work that 2M has done for President Trump that had to do
18 with recounts related to the 2020 election?

19 A I don't -- I don't know what they would deem related to recounts. I have
20 no -- like, I don't -- we didn't -- we didn't do any like recount work, like onsite recount,
21 ballot count, or anything like that. That would not have been anything that we worked
22 on.

23 BY [REDACTED]:

24 Q Mr. Clarke, you are generally aware of the substantive topics of what you
25 and your employees are reviewing or producing, correct?

1 A Can you say that just again? I want to make sure I understand.

2 Q You have a general idea of the substantive topics of what you're reviewing
3 and producing to NARA, correct?

4 A Let me say it this way. The substance of -- like we're just looking at
5 documents and trying to determine whether a privilege could apply. So it's not
6 like -- it's not like in a litigation I'm trying to find out whether somebody negotiated this
7 or did that. We understand what the issue is. There's a cause of action. There are
8 elements. We understand the issues, right?

9 This was simply -- it could have been everything from "I'm flying to here" in this
10 document, because NARA was very generous in its scoop. A lot of stuff I don't even
11 think had anything to do with anything. It might have been a menu, like a dinner menu.
12 You know what I mean?

13 So the substance that you're talking about for us as it related to J6 and COVID was:
14 Is it subject to some sort of privilege? Is there a conversation in here that could be
15 protectable?

16 But, to your point, I understand what the January 6th committee is investigating,
17 at least what I see on the TV. So I understand what topically you're talking about.

18 Q Well, the reason I say that is because presumably the privilege analysis of a
19 restaurant takeout menu would be different than the privilege analysis of, say,
20 communications related to fake electors, right?

21 A Right.

22 Q So you kind of have to understand the topic in order to understand --

23 A Yes.

24 Q -- the review that you would have to do, right?

25 A Right, which makes this complicated, because there are a lot of topics that

1 have -- that we -- had nothing to do with anything that we -- you know what I mean? I
2 didn't -- was this a privileged communication? I'm not even sure what the
3 communication is.

4 So you can imagine how complicated that is, particularly if the terms that NARA is
5 using to pull data are so broad: if, and, or, the, and but. And I say that in jest, but -- so
6 it is complicated.

7 Q And so what we're trying to gather from you is, sitting here today, are you
8 aware of, either yourself or from having spoken to any of your employees, any work that
9 you would have reviewed that encompassed the area of recounts -- recounting an
10 election, recounts for the purpose of overturning the 2020 election, or anything related
11 to recount work?

12 A Yes. As it relates -- well, yes.

13 Are we aware of that? Just let me think on how to answer that question.

14 I'm not trying to be coy. I'm trying to not -- I mean, if -- for instance, if January
15 6th is looking for evidence about who arranged the rally, a rally on December 14th or a
16 rally on December 19th or a rally on January 6th, all of this is inextricably intertwined, the
17 claims of fraud, the demand for recounts, the outrage by the public. All the things that
18 are driving to January 6th are about a demand for a recount.

19 So I think topically I'm aware of that. But no one ever said to me, "I want
20 you -- your team is going to help with the recount effort, we want you to prove there was
21 fraud," or anything like that.

22 BY [REDACTED]:

23 Q Mr. Clarke, let's go to March of 2021 --

24 A Okay.

25 Q -- when the \$650,000 retainer is paid to 2M.

1 At that time, 2M was focused on reviewing documents related to --

2 A COVID.

3 Q -- the Trump administration's COVID response, correct?

4 A Yes. We were never retained to do recount, to your question. Did
5 anyone come to my team and say, "We need help with the recount effort"? I mean,
6 that's not something that we were asked to do or asked to be a part of, period, ever.

7 Although my point was, as things progressed, if January 6th is asking for
8 communications between the office and people who were talking about these issues,
9 obviously, that's part of it.

10 Q Well, Mr. Clarke, I want to ask something more specific. I want to go -- I
11 want to put aside January 6th. I want to talk about the payments that were made to 2M
12 in March 2021 for \$650,000, in May of 2021 for \$100,000. So that's \$750,000 that
13 precedes any work related to January 6th. Is that correct?

14 A That sounds right, yes, because January 6th I don't think started till the
15 summer.

16 Q So for those payments, when the MAGA PAC paid you those amounts, the
17 work that 2M was doing was related to the Trump administration's response to COVID.
18 Is that correct?

19 A During that time, I believe all we were doing was work related to the White
20 House -- the Trump administration's response to COVID, correct.

21 Q And based on your understanding of the substance of that work, that work
22 was not geared towards anything related to challenging the 2020 election or otherwise
23 overturning the 2020 election, correct?

24 A That's correct.

25 Q And that work was not related to anything that had to do with recounts

1 related to the 2020 election, correct?

2 A Correct, to my knowledge. I mean, we would have never billed them for
3 that. If you're saying that they classified it as that, I have no idea.

4 But yeah, we did it -- it's not like I was retained to work on a recount. We didn't
5 do any work on a recount.

6 BY [REDACTED]:

7 Q So, Mr. Clarke, I think it's pretty clear, as my colleague is suggesting, that
8 early on the COVID stuff has nothing ostensibly to do with recount work, right? I think
9 you agreed with that.

10 A Yeah.

11 Q And earlier, when I was talking with you about certain work and you looked
12 at the January 6th committee work, you had an explanation for how that work could be
13 classified as recount.

14 And I'm curious, to the extent that you can say, was that impression something
15 that you came up with yourself, or was that impression given to you or an explanation
16 provided to you by Mr. Clark or Mr. Cannon?

17 A I have no memory of Mr. Clark or Mr. Cannon saying: We need you guys to
18 participate in some recount work. It was always: We need to review these documents
19 related to January 6th.

20 Now, as you observed, you can't really do that unless you understand
21 conceptually what this is about. It's like my point about if I'm involved in a cause of
22 action. I need to know what the elements are. What am I looking for? So we
23 understood that.

24 So I understand recount. People shouted about recount. People shouted
25 about fraud. People shout about all kinds of crazy things.

1 Nobody ever said to me: We want you to do a recount. Our work was always
2 collect, process, host, review data related to a request from J6 and/or a variety of other
3 things that we discussed briefly.

4 So not retained to do recount. Again, if that's how -- if I am sensing that
5 something was classified as recount, I haven't the slightest idea.

6 Q No, and that's fair. What I was trying to get from you was in terms of
7 what it sounded like you were saying, where it was, oh, there's an interpretation of the
8 January 6th work that could be qualified as recount work, which is what it sounded like
9 you were saying a moment ago.

10 I was curious, was that your own generation of the idea or through conversations
11 with Mr. Clark or Mr. Cannon did you come to that conclusion?

12 A It was me saying -- when you were asking repeatedly: Well, you didn't do a
13 recount? I thought: Well, maybe I better qualify it. So it was me qualifying it.

14 I have no memory of Mr. Clark or Mr. Cannon saying: You guys need to come in
15 and help on a recount. That wasn't -- that was never how it was couched to me.

16 Q And so I just -- I want to be clear. This is your personal opinion of how the
17 January 6th work could be couched as recount, but on its face there is nothing about it at
18 least that ostensibly looks like work related to recounts?

19 A Yes. Yes. I mean -- yes. That's so -- it's so vague. Like what was
20 related to -- yes.

21 I mean, look, we were reviewing documents to determine -- as it relates to J6 and
22 COVID, we were reviewing documents to determine whether there was an executive or
23 other privilege that needed to be pointed out that could be applied.

24 Whether the substance of those documents were discussions about recount I
25 don't recall. But I was not tasked with supporting a recount effort or searching for

1 evidence of recount. We were asked to determine whether documents had some
2 definable privilege, substance notwithstanding. Is that clear?

3 Q And I'll make it -- it does. And I'll make it even simpler, because I'm really
4 not trying to make it complicated.

5 If somebody had told you after you did that work that it had been classified as
6 recount or recount consulting, would that have surprised you?

7 A Yeah. I mean, again, I don't want to say I'd be surprised.

8 And I say that in this context. We work with corporations all the time where
9 there -- everything gets divided up and classified. And maybe there are seven buttons
10 you can pick. You know, it's this, this, this, or this. So even when we bill clients, we
11 have to pick one of these buttons. And I'm like, well, I don't know.

12 So it sounds like they classified it as recount. I'm sure they have some
13 explanation or don't, but I don't know. Again, we were tasked with looking for privilege
14 in those documents as it relates to J6 and COVID.

15 Q I appreciate that. And, again, not trying to make it more confusing, just
16 trying to kind of pick at some things we're trying to figure out.

17 A Yeah, 100 percent understand. I have -- and I was never part of those -- I
18 didn't have to classify it in my invoice. I didn't say -- like if I'm working for XYZ
19 Corporation, I have to tell them this relates to this matter, this relates to this matter, this
20 relates to this matter. That's how I bill them, with a billing code. So I don't know.
21 And this I know, I didn't classify it.

22 Q Mr. Clarke, let me actually make sure I understand that, because a lot of us
23 are actually -- well, I almost said former lawyers, but we are actual lawyers.

24 But it is a very common thing to bill to a matter, right? And so we had actually
25 assumed that if we asked you in terms of tracking time for COVID versus January 6th

1 versus possibly some other legal matter, you weren't actually dividing up any kind of
2 billing by matter?

3 A Yeah, we were, but I wasn't classifying anything as: This is executive
4 privilege. This amount of work went into whatever privilege. This amount of work was
5 in recount. I was just observing that I didn't have recount as an option.

6 We did bill, by and large, by matter.

7 I will say this. In the beginning, the agreement was I'm going to have this many
8 people working around the clock. I'm not going to -- there aren't going to be 6-minute
9 increments. You're buying all of us full speed ahead. You know what I mean?

10 As time went by and more matters came to life, I think it got more complicated.
11 So we --

12 Q And --

13 A -- segregated them.

14 Q Oh, sorry, go ahead. I didn't mean to cut you off. It got more
15 complicated and --

16 A Well, if there's ten matters, now I'd have to divvy them. You know what I
17 mean?

18 Q So I guess my question is, is if somebody were to look at -- if somebody were
19 to ask about how the time was billed for your employees, understanding that it might be
20 a bulk, right, review for privilege, the description might be the same. Would the matters
21 be classified COVID, Jan 6th --

22 A Yeah, yeah.

23 Q Would it be topically divided?

24 A Yeah. They would have been broken out. This relates to -- I just have to
25 think for a second. Like right when they were both blended, I'm sure they would have

1 been segregated.

2 For instance, if there are 20 matters and two of them are COVID and J6, those
3 other 20, the other ones are by matter. Those two may have been merged, because
4 they were so -- like the same people were -- it was so globbed together.

5 Yes. The answer to your question is yes, although it may have been imperfect.
6 But there should be a demarcation between what was COVID, what was J6, and
7 everything else.

8 Q When you say -- I just want to be clear -- when you say the COVID and the
9 January 6th was the same people, you mean the same reviewers on your side doing that
10 work?

11 A My team was, by and large, the same people.

12 Q Okay.

13 A Yes.

14 Q Okay. That makes way more sense. Okay. All right.

15 And so this bucket of people are still doing this work, and so they were billed as a
16 group as opposed to necessarily divvying up the matter?

17 A That's right.

18 Q Okay.

19 A So the invoice might have said: These five people worked all month. It's
20 not like -- there aren't 6-minute increments and specific little -- it's not a 47-page invoice,
21 in other words. It's just like, this is how much we spent on COVID, this is how much we
22 spent on J6.

23 Q I'm assuming at some point COVID wound down, correct?

24 A We're still doing COVID, I think. I'd have to go back and look. I mean, we
25 get -- it's very tricky. It might be here's 17 documents, here's 23 documents. But

1 COVID, by and large, has wound down.

2 J6 is not as active as it used to be. I mean, the last several heaps of data have
3 been here's a hundred pictures, it's just stuff you guys are getting. I'm just seeing it 30
4 days ahead of you or 15 days ahead of you. So you can see what I'm seeing.

5 The pictures are -- sometimes they're more complicated, sometimes they're less.
6 But there's more pictures now. I think we just got another little thing.

7 But NARA is sending us stuff unrelated to your committee and other committees
8 too. There are other committees, as you know, out there that NARA sends us stuff on.
9 So when I see the Laster email come in, there's no guarantee it's -- what it's about.

1

2 [11:23 a.m.]

3

BY [REDACTED]

4

Q And just out of curiosity, is that all going to NARA? So you get the request from NARA, you process it, are you now just directly receiving and responding to NARA?

6

A Sometimes, yes. Sometimes neither Mr. Cannon nor Mr. Clark are on the email from NARA. It's simply: Matt, I'm -- pursuant to, you know, whatever committee, I'm sending you 395 documents. I'll send you the password next. Right.

9

So -- and then I just slip them in.

10

Are you asking me whether I deal directly with NARA? That's what you're asking?

12

Q Yes. No, that was the question. And so I just want to make sure I'm understanding correctly that NARA has documents that they have to produce in response to presumably a congressional committee's request, and then they give them to you, you process -- I'm assuming you process dedup, but you also review for privilege. Are you reviewing for privilege for all of the NARA requests?

17

A Yes. So what we do is, if -- you can imagine, you've got 20,000 documents, and Mr. Cannon, Mr. Clark are ultimate decisionmakers on those, right. And so our job was to make a first run at them to organize them by: These are the menus. This is scheduling the airplane. These 20 have substance about this.

21

These -- and then we make a preliminary decision based upon their instruction to us, and then we tender them back to Mr. Clark and Mr. Cannon. They make the ultimate decision on anything, and then they notify us, and then we notify NARA: The following documents are unprotected. The following are asserting these protections. These ones are asserting these protections.

1 We typically give it to NARA in an Excel spreadsheet. We don't give him the
2 documents back, right; we just give him the Bates ID number. These ones, no objection;
3 these ones, executive; these ones, attorney client. And then I -- as I understand it, then
4 the current administration gets to veto all that, and then it all goes out the door anyway.

5 Q Okay. That makes sense. So is it fair to say you sort kind of clear chaff
6 from the wheat so that Mr. Cannon and Mr. Clark are able to just review things that are
7 presumably worth their time. Is that fair?

8 A Yeah.

9 Q Okay.

10 A So that they can -- and then they have -- you know, obviously, the decision
11 rests with them, so they have to click through. But we need to organize it to make it
12 humanly possible for them, right.

13 Q Okay. Are there occasions where NARA would give documents to you that
14 you would review and you would, I guess, tell Mr. Cannon, Mr. Clark, this is all chaff, and
15 you would just, I guess, send it back to NARA? Are there interactions where you're just
16 direct directly and receiving back to NARA?

17 A We would never do that. We -- everything has to go through the firm.

18 Q Okay.

19 BY [REDACTED]:

20 Q Mr. Clarke, you earlier said that the vast majority of your work that 2M did
21 had to do with the COVID response of January 6th, correct?

22 A Correct.

23 Q And all that work related to the Trump administration's documents, correct?

24 A Correct.

25 Q Are you -- did 2M do any work that you understood to be related to the

1 Trump campaign?

2 A So -- that's one of those areas again. So let's say, if, for instance, the
3 committee wanted to speak with Mr. Cannon, and they said, "Mr. Cannon, please provide
4 us all your emails," so we would've helped Mr. Cannon with that. He would've said:
5 Here's -- I don't remember -- here's 1,000 emails that I found. Can you get these into an
6 environment so I can produce them? Can you organize them for me?

7 So that would've -- I mean, he -- that would've been in his role as part of the
8 campaign, right. So, if your specific question is, did we work with the campaign, in that
9 context we would've, yes.

10 Q So -- so -- and so, in that context, you were saying someone who might have
11 been a campaign official responding to a request from January 6th might have used 2M
12 services --

13 A Correct.

14 Q -- to prepare documents for the select committee. Is that correct?

15 A That's correct.

16 Q Was there any -- is it fair to say that there was -- that any work that was
17 done for the campaign, by virtue of the, you know, the election being -- President Trump
18 leaving office in January 2021, had to do with January 6th related information requests
19 from campaign officials and not the campaign itself. Is that fair?

20 A Sorry, I don't -- I don't understand that question.

21 Q Well, I'm just trying to get a sense of, you know, you said the vast majority of
22 documents that 2M reviewed had to do with the Trump administration, and where you
23 have this kind of smaller miscellaneous bucket of things that might have come up that
24 wouldn't have been the Trump administration documents, and I'm trying to get a sense
25 for the campaign focus, is that really just campaign officials giving 2M documents, and

1 that's where the campaign really came up as far as documents?

2 A Yeah, I'm -- I think I understand. You're asking me like in what -- I don't
3 even know if the campaign exists actually anymore. Well, maybe it does.

4 Q Well, to that end, Mr. Clarke, that's -- you're getting -- you're saying better
5 what I'm trying to say, which is, by virtue of the campaign not existing, is it fair to say that
6 you -- that that has not been a focus of 2M's work reviewing campaign documents except
7 when considering specific officials like Mr. Cannon who were responding to the
8 January 6th Committee's request for documents?

9 A Yeah. I mean, there were -- you know, there were many witnesses who
10 would've been, I guess, part of the campaign, so -- and we -- the example that I gave
11 about a potential January 6th witness would say: I've got a bunch of emails.

12 And they would -- we would host them and organize them, and those may have
13 been people who worked with or for the campaign, yes.

14 So, in that context, we -- I mean, we did campaign stuff. I mean, we were always
15 working for either the law firm or MAGA. I don't -- I don't -- we don't have an
16 engagement with the campaign or anything to do campaign work. But clearly there
17 were a lot of employees of the campaign, and some of them may have testified, and we
18 may have had their documents come through us.

19 Q But the vast majority of the work had to do with NARA and the Trump
20 administration's work with January 6th and COVID, correct?

21 A Yeah, the Trump administration's responding to the J6 Committee and the
22 COVID, yes.

23 Q Mr. Clarke, we're going to just take a quick comfort break and just collect our
24 thoughts here to keep ourselves efficient.

25 ██████████. Thank you so much. We'll be right back, just 2 minutes actually.

1 Mr. Clarke. Okay. Sounds good. Thanks.

2 [REDACTED]. Thanks.

3 [Recess.]

4 BY [REDACTED]:

5 Q So, Mr. Clarke, when we look at the public disclosures of payments to 2M
6 Management, on some days, obviously, we see the lump sums that we've discussed.
7 We also see that 2M is paid twice on one day. So, for example, on March 16th of this
8 year, there's \$590,000 payment and a separate \$15,000 payment. Do you, first,
9 recollect when -- whether you would get two payments as listed on these reportings, or
10 would that always be still one payment?

11 A I'm sure I would've gotten two -- it's possible I get two payments. It's
12 possible sometimes I've got three or four. I mean, I might send them 20 invoices, like I
13 said, and they may lump some of it, and they would come to me in lumps. As long as it
14 all added up, I didn't -- you know, I checked the invoices off, right.

15 So that was not unusual to get separate payments. I have no idea what their
16 breakdown was. I could never easily reconcile it. In other words, I don't think there's a
17 \$15,000 invoice. I -- it might have been -- there might have been three invoices that
18 added up to that. I don't know.

19 Q And, when you received payment from MAGA PAC, when you -- well, let me
20 ask you this. Let me start over. When you received payment from MAGA PAC, how
21 would you be notified that you'd received the payment?

22 A I wouldn't. I would see it in the bank account. It would say from
23 Donald -- DJT or something. There was no formal notification process to me. I just -- it
24 showed up.

25 Q And, when certain invoices were paid by MAGA PAC, was there any process

1 by which you were made aware that certain invoices had been cleared, so you submitted
2 invoices 1, 2, 3, you receive a payment, any way that you would know they are paying for
3 1, 2, and 3, as opposed to 4, 5, 6?

4 A Yeah, so -- no, not -- there was no formal structure like that. Typically, I
5 would submit -- I'll just use that number because I've been using it -- I would submit 20
6 invoices, and it would be \$400,000 total, whatever you said. That amount of money
7 would come in. It might come in \$250,000, \$50,000, \$100,000, three different things.

8 To me, I never asked why they were broken apart. Again, I'm accustomed to
9 third-party payers, and I know that corporations allocate that way, so it never mattered
10 how they were assigning it. It added up to the total of all my invoices, and then it was
11 fine.

12 There was never a time when the total that was paid shorted me. If it -- if -- for
13 instance, if I sent \$400,000 worth of invoice and received \$350,000 in payments, I
14 would've picked up the phone and said: Hey, what's missing here? I mean, I can't tell
15 what's missing.

16 But that never happened. Does that make sense?

17 BY [REDACTED]:

18 Q It does, but, Mr. Clarke, from an accounting perspective or an accounts
19 receivable perspective, if they hadn't paid you, you would've had no way -- based on what
20 you're saying, it sounds like you would have had no way of explaining to them or tracking
21 what portion had been paid and what portion hadn't been, what work had been paid for
22 and what work hadn't been paid for, whether it was attorney hours or expenses or any -- I
23 mean, well, let me back up for a second. I guess, is that correct, you -- there would've
24 been no way to track --

25 A What you're saying is not unusual, by the way, in my experience in 20 years

1 of this. For instance, a client might owe me \$2.7 million, right, and I get paid
2 \$1.5 million. My accounting department applies it, that \$1.5 million, against the oldest
3 invoice and comes forward. And I -- they might chop an invoice halfway off and say:
4 This is whatever they paid through and then they'll reissue. That -- and so that would be
5 how I would remedy a shortfall because there's no way for me to understand why or how
6 corporate legal departments or business departments break that apart. I'd go crazy.
7 If -- if -- if the check comes in, I'm like: Sounds good to me. I mean --

8 Q Okay.

9 A You know what I mean?

10 Q No, that makes sense, and that's helpful. I guess, the other question I have
11 is, understanding that you're not like a traditional law firm -- you know, in a traditional
12 law firm setting, a lot of firms might bill attorney hours. Then they might bill copying,
13 and then they might bill expert witness fees. And they would have kind of work hours
14 and expenses possibly broken up. Would you ever have categories like that, or was
15 yours a solid "this is X amount due for this month"?

16 A It was "X amount due" with the exception that we would break out a tech
17 cost because it was an itemizable expense. I don't honestly know why I did that, but it
18 was just there. And I would say -- I thought it was important to me that they
19 understood the tech volume because that's one thing that a client can control. In other
20 words, can I take this data down? If I don't, it's going to keep costing you \$3,000. If I
21 don't take this down, see what I mean? So I think we laid that out. Does that makes
22 sense to you?

23 Q It does. And I'm assuming that, in your invoices to them, it would -- based
24 on what you're saying, it would break out the tech cost versus the review cost?

25 A Yeah. It would say: This month, you know, you had \$200,000 in human

1 resource, and then there was a \$40,000 in tech-related expenses, so that would be the
2 itemization. So the bill is \$240,000.

3 I'm just making that number up.

4 Q When -- were you assessing tech costs since the beginning, when you started
5 billing in March 2021?

6 A Yeah, to the extent we were taking data down, there would've been tech
7 costs assigned.

8 Q Okay. And, just out of curiosity, would you be able to see -- so, at some
9 point in time, the way the FEC reporting of payments to you changes and the payments
10 from March 2021 through February 8, 2022, are all the same. They all say recount
11 research consulting.

12 But starting in March 2022, about 5 months ago, they start getting broken in two.
13 And every time there's a payment for recount research consulting, which are significant
14 numbers -- so, on March 16, 2022, it's \$90,000, and then there's a different payment of
15 research consulting for \$15,000.

16 The next month, in April, it's \$898,176 for recount research consulting, and then a
17 separate payment for \$49,575, the same thing each month, really big, six-digit payments
18 simultaneous -- or the same day with a much smaller payment that's charged differently.
19 And I understand you might not know off the top of my head, but is there any
20 chance -- does that correlate with anything you did differently billing-wise?

21 A Yeah, I have no -- I have no idea why they added those invoices to those
22 lump numbers. I have no insight into that.

23 Q Are you --

24 A And we --

25 Q -- still getting -- since March, have you still been getting single monthly

1 payments from them, or are you getting multiple payments from them?

2 A I would have to go back and look. I'm -- I don't have -- sitting here now, I
3 don't have an operating memory of what the payments came in as. But, like I said, it
4 would've not struck me as unusual. I'm so used to it after 20 years. You could go -- if
5 you're looking at it in front of you now on the FEC website or whatever you're looking at,
6 it may show multiple payments on a month. That would not have struck me as unusual.
7 That may very well still be going on.

8 I just assumed it was an allocation of how -- actually, in fairness, I didn't assume
9 anything. I just -- I guess I did assume that it was business as usual. I've been -- that's
10 how it always is. That's not unusual at all for it to be broken up. So I didn't question it.
11 I don't have an explanation for why they allocated them those -- that way.

12 Q I don't want to -- I don't want to put words in your mouth, but I'm getting
13 this feeling that maybe you weren't really paying close attention because, as long as the
14 bill was paid and they weren't behind, you didn't care how they were paying. Is that
15 fair?

16 A Well, that makes it sound, you know, like I'm a surfer and doing this part
17 time. I mean --

18 Q No, no, and I don't mean that. But I mean to your point --

19 A Not to disparage surfers.

20 Q Yeah, I guess what I mean is, you know -- and I didn't mean it to come out
21 that way. What I meant was understanding you said: Oh, all these companies have all
22 the these different methods; it's impossible to keep track. So, if they're not behind,
23 worrying about how they pay or what they choose to pay, it sounds like you're saying, for
24 this account, if they're not behind, like I'm not monitoring every single payment on every
25 invoice, because if they're paid up, that's the -- that's what matters, effectively?

1 A How they pay it made no difference to me. A classic example might be a
2 company that has a third-party insurance policy and that an insurance policy is going to
3 pay up to X amount and the company is going to pay Y amount. I might send the
4 company a million-dollar invoice. They pay me \$200,000. I know why that happened;
5 they're waiting for the insurance company to pay their 80 percent or something. So,
6 you know, stuff like that happens all the time.

7 So segregated payments, different amounts, to me, they're being bucketed for
8 some reason; they're being allocated to a different business unit, and I didn't -- I didn't
9 ask. It didn't matter. The total of the invoices owed were paid; how they paid it didn't
10 matter.

11 Q And I think you said this earlier, but just to clarify, you have no idea -- do you
12 have any idea how FEC reporting works --

13 A None.

14 Q -- or if you were serving an FEC reporting client, how that side would work?

15 A Zero, I don't.

16 Q Okay. And, just to be clear, do you have any control whatsoever how the
17 work that you do would be qualified in terms of if it had to be reported to the FEC?

18 A No one has ever consulted me or instructed me on those issues.

19 Q Okay.

1

2

BY [REDACTED]:

3

4

Q Mr. Clarke, since I first reached out -- well, let me ask you this, has anyone contacted you to expect to hear from us?

5

A You mean your office?

6

7

8

Q Besides me, has anyone else contacted you to say like they wanted to discuss the January 6th Committee or someone from the committee wanted to talk to you?

9

A I think you were my first.

10

Q Okay. Well, I feel so special.

11

A Yes.

12

13

Q Have you had discussions with anyone, such as Mr. Clark or Mr. Cannon, regarding the fact that you'd be talking to us?

14

15

A I'm sure. I think I told Mr. Cannon. I just said: Hey, heads-up -- before we spoke the last time. I said: Hey, heads-up, he's asked to have a conversation.

16

And Mr. Cannon was like: Okay.

17

I mean, he didn't -- I think he said: Sorry, dude.

18

19

But I think that was the extent of it. And I'm sure I told him about this conversation too. I mean, we speak somewhat periodically.

20

21

Q Besides Mr. Cannon, have you spoken to anyone else about conversations with us?

22

23

A Not that -- like you mean my -- like my wife and stuff? She knows. She took the kids and left the house. No, I mean -- I mean, my colleagues or whatever.

24

Q Anyone related to President Trump besides Mr. Cannon?

25

A Not that I can think of. I don't know how that would've come up.

1 BY [REDACTED]:

2 Q And, after speaking with Mr. Cannon, nobody else related to Mr. Trump or
3 any of his entities reached out to contact you prior to talking with us?

4 A No.

5 BY [REDACTED]:

6 Q Have you ever had any interaction with an individual named Sean Dollman?

7 A I do know that name. I believe he was the accountant. I think
8 Mr. Dollman is who we used to send our invoices to, and so -- but he's not -- we don't
9 send them to them anymore. And also, I believe Mr. Dollman -- I would have to triple
10 check. I'm pretty sure Mr. Dollman spoke to the committee. We may have received
11 Mr. Dollman's -- we may have received a -- some emails from Mr. Dollman that he
12 wanted put into a production set to give to the J6 committee.

13 BY [REDACTED]:

14 Q Mr. Clarke, how did that work in the sense of mechanics-wise, like an
15 attorney reached out to you and said, "Can you process these documents?"

16 A Yes. So an attorney would reach out and say: Hi, my name is Mike Smith.
17 I represent John Doe. We have -- I understand that you have done -- you're a data
18 hosting vendor. We've been given your name. We have some documents that we
19 need to be hosted, and we need access to review them as related to this thing.

20 And we'd say: Yep.

21 And we would either -- you know, engage them or whatever, and then they would
22 send us the documents. We'd put them into an environment. We would give them
23 access. And, in many instances, they might say, can you help us, there's 5,000
24 documents or 800 documents or 200 emails, you know, can you organize them, can you
25 whatever.

1 Q And just to be clear, you're saying that you have the campaign's documents
2 that a witness could review and search to see if they have responsive documents to
3 produce to us?

4 A That's not what I said. If someone -- if Mr. Dollman, for instance, said,
5 "Here are 2,000 emails," that we would have those. So he would --

6 Q Okay. That's where I was confused. They have to provide you a data set,
7 correct?

8 A Yes, they would provide me a data set.

9 Q Okay. So -- okay. This makes more sense.

10 A And I have -- I have what would probably be campaign emails. I want to be
11 clear about that. But I don't -- I don't have the campaign -- it's not -- I'm not like the -- I
12 don't have the campaign database, but I'm sure I have data from there. I know I have
13 data from there.

14 Q This -- now -- yes, I'm sorry. I misunderstood, and this makes more sense.
15 An individual possibly says -- images of their hard drive of a computer, says: Hey, we
16 have this data set. Can you host this process and basically allow us to review it to
17 respond to this and handle the processing for us?

18 A Correct, or asks my team to perform the collection of their --

19 Q And so -- I'm sorry, say that last part again?

20 A Those laptops on your desk right there, one of those people might say:
21 Here's my laptop. I need you to grab the emails off from here.

22 Because they don't know how to do it. They just want to comply to a -- with
23 either a request or a subpoena. So they say: I've got a request for data. This is the
24 source of it.

25 Or it may be in the cloud or something, so they might ask us to collect it.

1 Q Have you had a Jan. 6 witness hand you a laptop and say: Can you --

2 A Have I had a Jan. 6 witness hand me a laptop? I don't know that
3 I've taken -- I don't know that I've taken a laptop. I think we've -- I'm trying to think.

4 Q Or maybe phones? Do you do phones?

5 A We can do forensically anything. The reason I'm waiting is typically
6 everybody's got a Gmail so you can do it remotely. I don't have to go take someone's
7 computer.

8 Q I wondered if that was like an actual instance or just an example of a
9 possible scenario.

10 A I was giving an example of a possible scenario. But, I mean, I'm sure we
11 took data. I don't -- sitting here right now, I don't recall taking anyone's laptop.

12 Q And that makes sense. I had a question and it just absolutely flew out of
13 my mind, which is infuriating.

14 A It happens to me all the time.

15 Q I know. It was about -- I'll think of it. Go ahead, if you had another
16 question.

17 Oh, if you dealt with anyone -- excuse me, earlier you said Mr. Dollman is who you
18 were sending the invoices to back when he was, I think, the accountant for the campaign.
19 Who are you sending them to now?

20 A I think they go to a -- it's like AP@DJT or something. I would have to ask
21 my admin, but it's not going --

22 Q Like just a general -- but do you actually know the person that's dealing with
23 that?

24 A I don't. It's an AP -- it's like into the accounting department or something.
25 I don't know who mans it.

1 Q So the only contacts humanwise that you are familiar with is Mr. Clark and
2 Mr. Cannon that you deal with?

3 A Correct.

4 Q Okay. And have you ever dealt with anyone at a company called Red
5 Curve?

6 A Not to my knowledge. I don't -- I don't know what that is, Red Curve. I
7 don't -- it doesn't ring a bell.

8 Q Okay. And I know we asked you about this earlier, but I just want to make
9 sure that there wasn't something that we missed. In terms of your interactions with
10 Mr. Philbin, your understanding was that he was White House counsel?

11 A My understanding -- I will give you the precise -- I don't want to embarrass
12 anyone. We received a document that we felt was a classified document, that we
13 should not have had. And so we put our pencils down and turned our computers off,
14 and we notified our client. And then our client called this -- Mr. Philbin, and I don't
15 remember whether I was on the phone with him or not. I'm sure I was, because he
16 probably was like: Well, what is it?

17 And I -- we were like: We don't want to turn our computers on because we don't
18 want to have them and -- because we have no clearance.

19 And he said, well -- and he got involved, and I think a NARA -- NARA -- he must
20 have reached out to NARA, then NARA sent us some software to wipe our computers, and
21 we were pencils down, and we had to sort of go through an exercise.

22 I think that was -- and I recall Mr. -- and I think it was Mr. Philbin who was involved
23 in that. And my sense from that experience was that he must have been the person
24 who was in charge of looking at documents that had some elevated clearance. I can't
25 say that for a fact. I don't know it for a fact, but that's who ended up on the other side

1 of the phone, I believe, when we had this issue.

2 Q And do you remember when, timeframe, that issue took place?

3 A I was actually at my daughter's State golf final on the 18th hole when that
4 telephone call took place, and everyone was staring at me because I was talking on the
5 phone. So it would've been -- it was cold and somewhat snowy, so it was probably
6 either late October or early November of 2021.

7 Q Okay. That's super helpful.

8 [REDACTED]: Mr. Clarke, we're going to take a quick 5-minute break so
9 we can just collect ourselves and see if we have anything else for you.

10 Mr. Clarke. Okay. Sounds good. I'll take a break too then.

11 [REDACTED] We'll be back shortly. All right.

12 [REDACTED] Thank you.

13 [Recess.]

14 BY [REDACTED]:

15 Q Mr. Clarke, we want to turn back briefly to our discussion regarding
16 individuals, such as Mr. Dollman, whose counsel may reach out to you for review of
17 documents. When those individuals reached out, was MAGA PAC the individual who
18 paid for your services?

19 A Yes, I think. Yes. I mean, for sure. I just don't know whether it was
20 100 percent of the time, but I believe so.

21 Q And --

22 A Yes, I think so.

23 Q Okay. And when they reached out to you, was it your understanding they
24 were reaching out to you because they had had prior conversations with either Mr. Clark
25 or Mr. Cannon?

1 A Yeah. Well, I didn't -- it may have very well been the witness told them to
2 call me. I -- they didn't -- I don't know that they always said, you know what I mean?
3 In other words, I represent, using as an example Mr. Dollman, and he gave me your name.
4 So he might have said he gave me your name. Do you know what I mean?

5 BY [REDACTED]:

6 Q "He" being Mr. Clark or Mr. Cannon?

7 A Mr. Dollman. Maybe I was -- it's very possible. I don't remember. It's
8 very possible they said: Mr. Cannon gave me your number.

9 It's possible they said: Mr. Dollman gave me your number.

10 Do you know what I mean? Now, how they --

11 Q Yes.

12 A It didn't matter to me.

13 Q Yeah. So what we're trying to figure out, and I know Mr. Dollman is the
14 one that you remembered, and he's a unique case because you also had dealings with
15 him when he was the accountant who was handling your bills. But sitting here, were
16 there other witnesses that you can remember that you processed information for as part
17 of the January 6th investigation?

18 A I'm sure that there were.

19 Q And sitting here, to the extent that you can remember multiple, was it the
20 common process that Mr. Cannon or Mr. Clark would have to approve those individuals
21 submitting their data to be processed by you?

22 A Well, I assumed that they had to approve the payment being made by the
23 campaign. There were people who were -- we were engaged directly with, and then
24 there were people who were -- we didn't have a separate -- I'm trying to -- well, I'm trying
25 to think if there was ever anyone who paid independently. I don't know if there was. I

1 think the campaign paid for all of them; I just don't know for a fact sitting here now.

2 And how did -- how was that explained to me, the lawyer would typically say:
3 Hey, Sean Dollman gave me your name. You know, he has some emails in the cloud or
4 whatever. We need your help on the forensic side getting them and then getting them
5 production set for the J6 Committee.

6 Q But, if Mr. Dollman gave -- in that scenario, if the attorney said "Mr. Dollman
7 gave me your name, we need you to do this," that's not an engagement with MAGA PAC
8 necessarily. Wouldn't there have to be some approval process from Mr. --

9 A Yes, so -- yes, so I would've reached out to either Mr. -- probably Mr. Cannon
10 and said: Hey, Mr. Dollman has reached out to me. He's got 1,000 emails.

11 And he would say: Okay. That's fine, just bill it.

12 And then we would create a separate, you know, line for him.

13 Q A separate line of --

14 A Mr. Dollman --

15 Q A separate line where?

16 A Well, I might bill for Mr. Dollman the work -- this -- here's an invoice for work
17 we did for Mr. Dollman. I don't -- what I don't -- I don't remember whether it would've
18 been sent to Mr. Dollman to submit for payment or directly. Honestly, sitting here now,
19 I don't know. Probably it was just submitted to the -- yeah.

20 Q Sitting here right now, to the best of your recollection, can you remember
21 how many witnesses you think you processed data for related to the Jan. 6 investigation?

22 A I'd have to guess. That's hard. We do so much other stuff unrelated to
23 this. Maybe 10. I'm --

24 Q Okay.

25 A I know -- you know, I don't remember -- Mr. Dollman, Mr. Cannon.

1 Q And, to be clear, I'm less concerned whether it's 9, 10, 11, as opposed to 50,
2 right. So I was just really trying to get a ballpark as opposed to --

3 A It's probably 10. I don't think it would be a dozen.

4 Q Okay. And, to the best of your recollection, was all of that work agreed to
5 be paid by MAGA PAC and billed to MAGA PAC?

6 A Like I said, I think we billed -- we just submitted it in the normal course of
7 billing, but it's possible that the bills were sent to their counsel, and then they send it for
8 payment. You know what I mean? Either way, all those bills were paid probably by
9 MAGA PAC, presumably by MAGA PAC, or whatever that entity is.

10 BY [REDACTED]:

11 Q And Mr. Cannon was the official who provided approval for those payments,
12 correct?

13 A I think. It could've been Mr. Clark. It would've been one of those two at
14 that law firm.

15 BY [REDACTED]:

16 Q A minute ago you said that it might have been a payment structure where it
17 went to the lawyers, and they paid it. Do you mean that Elections, LLC, would've sent
18 the bill to the law firm?

19 A Yeah. Well, let's say you hire me, and you say, you know: I have a
20 third-party payer.

21 So I say: That's great.

22 At that point, I can either send my invoice to your third-party payer. Or I can
23 send it to you; you give it to the third-party payer; and then they pay me.

24 You know what I mean?

25 Q Oh, I see.

1 A My guess is that it all just went to the payer, but I just don't want to discount
2 the possibility that my admin may have sent it to the lawyer who engaged us, you know
3 what I mean, and they submitted it.

4 Q I see what you're --

5 A Sometimes the lawyer who engages you wants to see the bill to make -- you
6 know, whatever.

7 Q Yeah. I see now what you're saying. It's that -- just using Mr. Dollman as
8 an example, his attorney may have requested the bill, but it's your understanding that,
9 even when -- even if the bill went to him and he reviewed it, they were being paid by
10 MAGA PAC?

11 A Right. So the check would typically come, yeah, from MAGA PAC.

12 Q Got it. And, sitting here right now, do you remember any checks from
13 January 6th-related witnesses that weren't paid by MAGA PAC?

14 A I don't think so. That's why I think they all were paid by MAGA PAC. I -- I
15 would have to go look, but I don't think so.

16 Q Okay.

17 [REDACTED]. Well, Mr. Clarke, we appreciate you taking out the time
18 this morning. We'll -- I'm sure we'll be in contact with any further questions we have for
19 clarification, but I think that's all we have for you today.

20 Mr. Clarke. Okay. Well, thanks very much. Have a good day.

21 [REDACTED]. All right. Thank you, sir.

22 [REDACTED]. Thank you so much, Mr. Clarke.

23 Mr. Clarke. All right. Good-bye.

24 [REDACTED]. Bye.

25 [Whereupon, at 12:06 p.m., the interview was concluded.]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date